

Sec.	Twp.	Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
204-435
DEC 06 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

LIST ALL FOLIO #S: 30490100/0190 & 30490100/0191

Date Received _____

1. **NAME OF APPLICANT** (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

IRENE G. ATHANS

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 12190 NW 6 St.

City: MIAMI State: FL. Zip: 33182 Phone#: _____

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): IRENE G. ATHANS

Mailing Address: 12190 NW 6 St.

City: MIAMI State: FL. Zip: 33182 Phone#: _____

4. **CONTACT PERSON'S INFORMATION:**

Name: William HERRERA Company: R&H BUILDERS LLC.

Mailing Address: 887 NW 123 AVE.

City: MIAMI State: FL. Zip: 33182

Phone#: (305) 979-7060 Fax#: (305) 554-9947 E-mail: WHERRERA@BELL SOUTH .NET

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

LOTS 16 & 17, BLOCK 4, SWEETWATER ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 36, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND LOTS 18, 19 & 20, BLOCK 4, SWEETWATER ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 36, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

SOUTH OF 12190 NW 6 St.

7. SIZE OF PROPERTY (in acres): 3.272 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: 06/61 9. Lease term: _____ years
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes ☒ no ☐
If yes, provide complete legal description of said contiguous property. LOT 20, BLOCK 4,
SWEETWATER ESTATES SUBDIVISION, ACCORDING TO
THE PLAT THERE OF, AS RECORDED IN PLAT BOOK
28 AT PAGE 36, OF THE PUBLIC RECORDS OF DADE COUNTY,
FLORIDA.

11. Is there an option to purchase ☒ or lease ☐ the subject property or property contiguous thereto?
no ☐ yes ☒ (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)
WILLIAM HERRERA

12. PRESENT ZONING CLASSIFICATION: EU-1

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- ☒ District Boundary(zone) Changes (DBC) [Zone (s) requested]: EU-M
(Provide a separate legal description for each zone requested)
- ☐ Unusual Use: _____
- ☐ Use Variance: _____
- ☐ Non-Use Variance: _____
- ☐ Alternative Site Development: Option: _____
- ☐ Special Exception: _____
- ☐ Modification of previous resolution/plan: _____
- ☐ Modification of Declaration or Covenant: _____

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14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the
violation notice was served: _____ and describe the violation:

16. Describe structures on the property: VACANT

17. Is there any existing use on the property? ☒ no ☐ yes. If yes, what use and when established?
Use: VACANT Year: _____

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APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), IRENE G. ATHANS, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Irene G. Athans
Signature



Yalianne Torres

Commission #DD230711 Signature

Expires: Jul 09, 2007

Notary Public: Yalianne Torres
Commission Expires: July 09, 2007

Sworn to and subscribed to before me
this 20th day of NOVEMBER, 2004

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Office Field

(Corp. Seal)

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %

(Name of Partnership)

By _____ %
By _____ %

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

RESPONSIBILITIES OF THE APPLICANT

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The South Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075.



Yalianne Torres
Commission #DD230711
Expires: Jul 09, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Irene G. Athans
(Applicant's Signature)

Irene G. Athans
(Print Name)

Sworn to and subscribed before me this 20TH day of NOVEMBER, 2004. Affiant is personally known to me or has produced _____ as identification.

Yalianne Torres
(Notary Public)

My commission expires July 09, 2007

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

(Space reserved for Clerk)

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

STATE OF FLORIDA

Public Hearing No. BY

COUNTY OF MIAMI - DADE

Before me, the undersigned authority, personally appeared IRENE G. ATHANS, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.

2. The subject property is legally described as: 12190 NW 6 St.

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

WILLIAM HERRERA
Print Name

Signature

Print Name

Affiant's signature

Irene G. Athans
Print Name



Yalianne Torres
Commission #DD230711
Expires: Jul 09, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Sworn to and subscribed before me on the 20TH day of NOVEMBER, 2004.

Affiant is personally known to me or has produced _____ as identification.

Notary Public Signature

YALIANNE TORRES
Print Name

State of FLORIDA

My Commission Expires: JULY 09, 2007

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

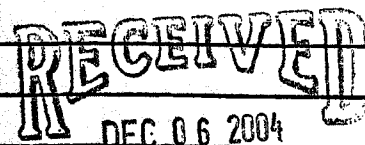
NAME OF PURCHASER: WILLIAM HERRERA

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
<u>William HERRERA / 887 NW 123 AVE. MIAMI FL 33182</u>	
_____	_____
_____	_____
_____	_____

Date of contract: 10-09-04

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NO OTHER



ZONING HEARINGS SECTION
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BY _____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *Yolande L. Torres*
(Applicant)

Sworn to and subscribed before me this 20TH day of NOVEMBER, 2004. Affiant is personally known to me or has produced _____ as identification.

Yolande L. Torres
(Notary Public)

My commission expires JULY 09, 2007



Yalianne Torres
Commission #DD230711
Expires: Jul 09, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.